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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,054	06/28/2001	Mark E. Peters	RSW920010020US1	5416
7590	06/10/2004		EXAMINER	
A. Bruce Clay IBM Corporation T81/503 PO Box 12195 Research Triangle Park, NC 27709			TRAN, CONGVAN	
			ART UNIT	PAPER NUMBER
			2683	<i>if</i>
DATE MAILED: 06/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/894,054	PETERS ET AL.
Examiner	Art Unit	
CongVan Tran	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 February 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-45 is/are pending in the application.
4a) Of the above claim(s) 2,17 and 32 is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-16,18-31 and 33-45 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

1. This office action is in response to amendment filed on Feb. 24, 2004.
2. Claims 1, 15, 31 have been amended.
3. Claims 2, 17, 32 have been canceled.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-16, 18-31, 33-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bremer (6,018,671) in view of Butler et al. (5,754,627).

Regarding **claims 1, 16 and 31** Bremer discloses a method for answering a wireless telephone, the method comprising:

receiving an incoming call (see fig. 1 (102), col. 1, lines 55-58); responsive to a determination that automatic call answering has been selected by a user (see col. 4 lines 16 – 21), answering the incoming call by providing the calling party with an indication that the user will take the call momentarily and placing the wireless telephone in mute mode until the user has taken the incoming call (see col. 4 lines 43 – 51), except for speech phrase generator. However, Butler discloses a method and apparatus for managing call comprising a speech phrase generator (see abstract, col.2, lines 31-44). Thus, it would have been obvious to one of the ordinary skills in the art at time of invention to use the Butler's speech

phrase generator to Bremer's invention in order to improve the use of telecommunication devices.

Regarding to **claims 3, 18, and 33**, the combination of Bremer and Butler disclose providing audio of the calling party to the user (see Bremer col. 3, lines 6 –10); and responsive to selection of a speech phrase by the user, sending a speech phrase to the calling party (see Butler, col.2, lines 31-44).

Regarding to **claims 4, 9 and 34**, the combination of Bremer and Butler disclose the speech phrase is prerecorded (see Bremer col. 1, lines 60-62).

Regarding to **claims 5, 20 and 35**, Butler further discloses the speech phrase is generated using a voice generation unit (col.2, lines 31-44).

Regarding **claims 6, 21 and 36**, Bremer discloses notifying the user of the incoming call (see col.1, lines 55 – 58); and presenting the user with options as to how to dispose of the call (see col. 1, line 64 to col. 2, line 5).

Regarding **claims 7, 22 and 37**, Bremer discloses the options include allowing automatic call answering to answer the incoming call (see col. 1, lines 55 – 62) and at least one of allowing the user to answer the incoming call (see col. 1, lines 64 – 67), allowing voice mail to take the incoming call (see col. 4, lines 1 – 4) and allowing the incoming call to go unanswered (see col.3, lines 65 – 67).

Regarding **claims 8, 23 and 38**, Bremer discloses the step of providing the calling party with an indication that the user will take the call momentarily includes sending a voice message to the calling party (see col. 3, lines 61 to col. 4, lines 4).

Regarding **claims 9, 24 and 39**, Bremer discloses the voice message is a prerecorded message (see col. 1, lines 60 - 62).

Regarding **claims 10, 25 and 40**, Bremer discloses the voice message is generated by a voice generation unit (see col. 2, lines 29 – 36).

Regarding **claims 11, 26 and 41**, the step of providing the calling party with an indication that the user will take the call momentarily includes sending a text message to the calling party (see col. 3, lines 61 – 64).

Regarding **claims 12, 27 and 42**, Bremer discloses the step of providing the calling party with an indication that the user will take the call momentarily comprises a selectable message selected from a plurality of possible messages (see col. 4, lines 14 – 21).

Regarding **claims 13, 28 and 43**, Bremer discloses the selectable message is selected based on the identity of the calling party (see col. 4, lines 14 – 21).

Regarding **claims 14, 29 and 44**, Bremer discloses the selectable message is selected based on the time (see col. 4, lines 4 – 5).

Regarding **claims 15, 30 and 45**, Bremer discloses the selectable message is selected by the user (see col.4, lines 14 – 21); providing the calling party with an indication that the user will take the call momentarily and placing the wireless telephone in mute mode until the user has taken the incoming call (see col. 4 lines 43 – 51).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 703-305-4024. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CONGVAN TRAN
PATENT EXAMINER

CongVan Tran
Examiner
Art Unit 2683

CT
Jun. 01, 2004.